

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2010 SEP 17 AM 11:56

CLERK *J. Moore*  
SO. DIST. OF GA.

MARSHALL L. NIXON,

Petitioner,

vs.

HUGH A. SMITH, Warden,

Respondent.

CIVIL ACTION NO.: CV210-005

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Respondent's Motion to Dismiss is **GRANTED**. Nixon's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED** as it is a second or successive petition. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 17<sup>th</sup> day of SEPTEMBER, 2010.

*William T. Moore, Jr.*  
WILLIAM T. MOORE, JR., JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA